



119

PTO/SB/61 (11-03)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
016770-002721US

First named inventor: Yehuda Ivri

Art Unit: 3761

Application Number: 09/551,408

Examiner: Glenn K. Dawson

Filed: April 18, 2000

Title: METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐

Small entity -- fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒

Other than small entity -- fee \$ 110 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
an Amendment (identify the type of reply):

☐

has been filed previously on _____.

☒

is enclosed herewith.

B. The issue fee of \$ _____.

☐

has been paid previously on _____.

☐

is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

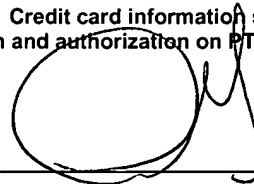
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/12/04

Date



Signature

(303) 571-4000

Telephone Number

Darin J. Gibby

Typed or printed name

38,464

Registration Number, if applicable

1200 Seventeenth Street, Suite 2700

Address

Denver, Colorado 80202

Address

Enclosures: ☒ Fee Payment☒ Amendment☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 12, 2004

Date



Signature

Connie Larson

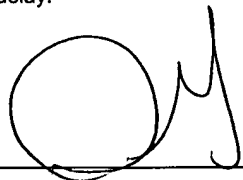
Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

3/12/04

Date



Signature

38,464

Registration Number, if applicable

Darin J. Gibby

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

• In response to the Notice of Abandonment mailed December 10, 2003, Applicant hereby petitions to revive the above-identified application under 37 CFR §1.137(a). The patent was unavoidably abandoned for failure to reply to the Office Action mailed on May 5, 2003. The entire delay, including the delay from the date of discovery of the abandonment of the application through the date of this Petition, was unavoidable because Applicant's Attorneys did not receive the Office Action mailed May 5, 2003. Submitted herewith along with our Petition to Revive Unavoidably Abandoned Application is an Amendment.

(Please attach additional sheets if additional space is necessary)